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SUBJECT: USNATO RESPONSE TO SURVEYING IRAQ COALITION  
PARTNERS ON POST-UNSCR ARRANGEMENTS

REF: A. STATE 5589  
[1](#)B. STATE 4865  
[1](#)C. STATE 60836

Classified By: CDA Richard G. Olson for reasons 1.4 (b) and (d)

[1](#)1. (C) SUMMARY: We expect NATO would need approximately six months after the signing of a U.S.-Iraq SOFA to finalize its own legal arrangements that would allow the continuation of the NATO Training Mission in Iraq (NTM-I). Because several NATO Allies will oppose the Alliance joining the US-Iraq SOFA as a third party, even if such a provision exists, we anticipate NATO will have to negotiate a separate exchange of letters (EOL) with Iraq that would preferably reference the terms of the U.S.-Iraq SOFA and extend them to NATO forces. Such an EOL would also require some type of UN political cover. END SUMMARY.

[1](#)2. (C) The current legal mandate for the NATO Training Mission-Iraq (NTM-I) is based upon the invitation of the Iraqi government, UNSCR 1546 (2004), and the statement on Iraq delivered by the NATO Heads of State and Government on June 28, 2004. CPA Order #17 provides the legal framework (privileges and immunities) for the NTM-I personnel in Iraq. This structure was codified by an exchange of letters (EOL) between NATO and the government of Iraq in 2005.

[1](#)3. (C) The signing of a GOI-USG SOFA is expected to lead to the rescission of CPA Order #17, the basis for the current NTM-I legal framework. Since several Allies would find it politically unfeasible to allow NATO to join the U.S.-Iraq SOFA as a third party, we expect NATO will have to negotiate a new exchange of letters with Iraq, hopefully one that simply agrees to extend identical terms of the U.S.-Iraq SOFA to NATO forces.

[1](#)4. (C) It is our estimate that such an EOL would require six months of negotiation and effort to move the agreement through the NATO and Iraqi bureaucracies (the amount of time it took to complete the existing EOL). USNATO encourages the completion of U.S.-Iraq SOFA negotiations with sufficient time for NATO's completing an EOL with Iraq. We also seek to avoid the possible scenario in which NATO legal advisors determine that if CPA Order #17 is rescinded without a new legal framework being in place to replace it, NTM-I personnel would not have the appropriate privileges and immunities to continue their mission.

[1](#)5. (C) USNATO believes that almost all NATO Allies will additionally insist on the political cover of a relevant UNSCR mandate for NTM-I, though something less than Chapter VII may be sellable. We could also try selling a reference to international organizations assisting in the development

of Iraq Security Forces (ISF) in the 2009 renewal of the United Nations Assistance Mission to Iraq (UNAMI) resolution.

¶6. (SBU) The North Atlantic Council has agreed to extend NTM-I through 2009 and to expand the mission to reflect the new training requested by PM Maliki in January. According to reports from NTM-I headquarters, carabinieri trained ISF acquitted themselves very well during recent operations in Basrah. NTM-I has a lot of momentum at NATO at the moment. In such a positive Brussels environment, NATO should be able to negotiate a new legal framework for NTM-I inside of six months, barring unforeseen GOI policy terms.

OLSON